

1 [Appearing Counsel on next page]

2 **FILED**
3 DISTRICT COURT OF GUAM
4 OCT 13 2005 *JP*
5 MARY L.M. MORAN
6 CLERK OF COURT

7 IN THE UNITED STATES DISTRICT COURT
8
9 DISTRICT OF GUAM

10 JULIE BABAUTA SANTOS, et. al.,

11 Petitioners,

12
13 -v-

14 FELIX P. CAMACHO, etc., et. al.

15 Respondents.
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CIVIL CASE NO. 04-00006

**JOINT MOTION FOR
INSTRUCTIONS WITH REGARD TO
THE PENDING MOTION FOR
PRELIMINARY APPROVAL OF THE
JUNE 20, 2005 SETTLEMENT
AGREEMENT, AS WELL AS
RELATED MOTIONS;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

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28
ORIGINAL

Civil Case No. 04-00006

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Interim Class Counsel and Attorneys for Petitioner *Julie Babauta Santos*

1 **MOTION**

2 Petitioner, Interim Class Counsel, the Governor of Guam, and the Directors of the
3 Departments of Administration and Revenue & Taxation hereby jointly and respectfully move the
4 Court for instructions with regard to the hearing on their motion for preliminary approval of the
5 June 20, 2005 settlement agreement, and related motions. This motion is supported by the
6 memorandum of points included herewith, all pleadings on file in this matter, and the argument of
7 counsel, if any, on this motion.
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9 **MEMORANDUM OF POINTS & AUTHORITIES**

10 Petitioner, Interim Class Counsel, the Governor of Guam, and the Directors of
11 Administration and Revenue & Taxation jointly and respectfully request instructions from the
12 Court with regard to the pending motion for preliminary approval of the June 20, 2005 settlement
13 agreement, as well as related motions. As the Court is aware, that settlement agreement
14 establishes dates for the occurrence of certain acts (such as class notice and the opt-out period)
15 based upon the date of preliminary approval of the agreement. See June 20, 2005 Settlement
16 Agreement. Unfortunately, the need to resolve the Attorney General's continued challenge to the
17 Governor's and Directors' rights in this case (notwithstanding the repeated Orders to the contrary
18 of this Court) and other issues have delayed the hearing on preliminary approval. Meanwhile,
19 there are certain established dates in the June 20, 2005 settlement agreement, such as claims cut-
20 off dates, that may not be practical unless preliminary approval, class notice, class certification,
21 and final approval can be addressed in the immediate future. See June 20, 2005 Settlement
22 Agreement (establishing set dates for claims processing from January to July 2006).
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25 Accordingly, it is respectfully requested that, if possible, the motion for
26 preliminary approval, conditional class certification, and for amendment to petitioner's complaint
27 be set for hearing this month. If that is not possible under the Court's schedule, it is respectfully
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1 requested that the Court so instruct the parties so that they can determine whether any dates in the
2 settlement agreement will need to be amended.

3 Respectfully submitted this 13th day of October, 2005.

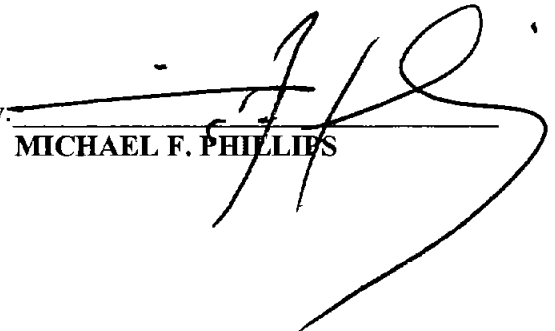
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